

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| <b>IN RE:</b>                         | § |                              |
|                                       | § |                              |
| <b>COTTER TOWER - OKLAHOMA, L.P.,</b> | § | <b>CASE NO. 17-52844-CAG</b> |
|                                       | § |                              |
| <b>DEBTOR</b>                         | § | <b>CHAPTER 11</b>            |

**REPORT OF SALE PURSUANT TO FED. R. BANKR. P. 6004(f)**

**TO THE HONORABLE CRAIG A. GARGOTTA, UNITED STATES BANKRUPTCY JUDGE:**

Comes now, Cotter Tower-Oklahoma, L.P., the Debtor-in-possession (hereinafter “Debtor”), by and through its counsel of record, who files this Report of Sale Pursuant to Fed. R. Bankr. P. 6004(f), and would respectfully show unto the Court the following:

1. This Report is filed pursuant to Fed. R. Bankr. P. 6004(f).
2. On December 12, 2017, the Debtor filed a Voluntary Petition for Relief under Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”).
3. On August 6, 2018, Debtor filed a Motion to Sell Property of the Estate Free and Clear of Liens, Claims, Encumbrances and Interests (the “Sale Motion”) [Doc. 82], concerning certain real property and improvements located at 100 N. Broadway Ave., Oklahoma City, Oklahoma (the “Property”). A hearing was held on the Sale Motion on August 15, 2018, and the Court approved the sale of the Property to BancFirst Corporation (“BancFirst”) via an Order entered on August 17, 2018 (the “Sale Order”) [Doc. 93].
4. On August 31, 2018, the sale authorized under the Sale Order closed escrow through American Eagle Title Group, LLC, located in Oklahoma City, Oklahoma.

5. The information required by Fed. R. Bankr. P. 6004(f) for the sale is as follows:

Itemized Statement of Property Sold – See Exhibit “A”

Name of each purchaser: BF Tower, LLC

Price received: \$21,000,000

WHEREFORE, PREMISES CONSIDERED, Debtor files this Report in compliance with Fed. R. Bankr. P. 6004(f) and transmits the same to the United States Trustee as required by such Rule.

Respectfully submitted,

LAW OFFICE OF H. ANTHONY HERVOL  
4414 Centerview Drive, Suite 200  
San Antonio, Texas 78228  
(210) 522-9500  
(210) 522-0205 (Fax)

By \_\_\_\_\_/s/ H. Anthony Hervol\_\_\_\_\_  
H. Anthony Hervol  
State Bar Number 00784264  
Attorney for Debtor

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been served upon the parties listed below, by the methods indicated hereunder, on the   6th   day of September, 2018.

**DEBTOR:**

Cotter Tower – Oklahoma, LP  
c/o Marcus P. Rogers, P.C.  
2135 E. Hildebrand  
San Antonio, Texas 78209  
*Via Electronic Mail, with consent*

**REQUESTING NOTICE:**

Steven R. Brook  
Langley & Banack, Inc.  
745 E Mulberry Ave, Ste 700  
San Antonio, TX 78212  
Counsel for Bank SNB, N.A.  
*Via the Court's ECF Filing System*

Ben Bingham  
Bingham & Lea, P.C.  
319 Maverick Street  
San Antonio, Texas 78212  
*Counsel for Marcus P. Rogers,  
Independent Administrator of the Estate  
of James F. Cotter, deceased and  
Special Counsel for the Debtor  
Via the Court's ECF Filing System*

Stephen J. Moriarty  
Fellers Snider Blankenship Bailey & Tippens, PC  
100 North Broadway Ave., Suite 1700  
Oklahoma City, OK 73102  
*Via the Court's ECF Filing System*

Larry G. Ball  
Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.  
100 North Broadway, Suite 2900  
Oklahoma City, OK 73102-8805  
*Via the Court's ECF Filing System*

**UNITED STATES TRUSTEE:**

Post Office Box 1539

San Antonio, Texas 78295-1539

*Via the Court's ECF Filing System*

/s/ H. Anthony Hervol  
H. Anthony Hervol

**SELLER'S SETTLEMENT STATEMENT**

BUYER: BFTOWER, LLC, an Oklahoma limited liability company  
 SELLER: Cotter Tower-Oklahoma, L.P., a Texas limited partnership, debtor in possession  
 in Case No. 17-52844-cag in the United States Bankruptcy Court for the Western  
 District of Texas (San Antonio)  
 SETTLEMENT AGENT: AMERICAN EAGLE TITLE GROUP, L.L.C.  
 421 NW 13TH STREET, SUITE 320  
 OKLAHOMA CITY, OK 73103  
 PROPERTY: 4 Tracts in Block 7, in the original plat of Oklahoma City, Oklahoma County, OK  
 SETTLEMENT DATE: August 31, 2018  
 FILE NUMBER: 1805-0022-68

|   |                                       | DEBIT           | CREDIT          |
|---|---------------------------------------|-----------------|-----------------|
| Purchase Price  |                                       |                 | \$21,000,000.00 |
| Tax Proration   | 242 days @ \$871.08698 per day        | \$210,803.05    |                 |
| BID Tax Proration   | 8/31/2018 - 9/30/2018                 |                 | \$2,439.37      |
| August Rent Proration   |                                       | \$13,000.00     |                 |
| Transfer of Security Deposits                                     |                                       | \$133,334.10    |                 |
| Free Rent credit to Buyer - See attached Schedule I for breakdown |                                       | \$172,371.07    |                 |
| Tenant Improvements   |                                       | \$38,505.00     |                 |
| Leasing Commiss.  | to CBRE                               | \$6,205.41      |                 |
| Leasing Commiss.  | to Paul Sowell                        | \$3,662.70      |                 |
| 2017 RE Taxes   | to Oklahoma County Treasurer          | \$356,105.86    |                 |
| 2017 BID Tax Penalty  | to The City of Oklahoma City          | \$2,872.16      |                 |
| Payoff  | to Simmons Bank - Bank SNB            | \$15,737,255.57 |                 |
| 4 days additional int.  | to Simmons Bank - Bank SNB            | \$16,543.76     |                 |
| Payoff  | to Simmons Bank - Bank SNB            | \$1,090,215.49  |                 |
| 4 days additional int.  | to Simmons Bank - Bank SNB            | \$1,154.44      |                 |
| Payoff  | to Roto Rooter                        | \$20,523.51     |                 |
| Payoff  | to Coe Plumbing                       | \$798.00        |                 |
| Payoff  | to iPlumb Co.                         | \$2,700.00      |                 |
| Payoff  | to American Staffcorp of OKC          | \$57,462.28     |                 |
| Trustees Fees   | to United States Trustee              | \$178,000.00    |                 |
| Commission  | to CBRE                               | \$315,000.00    |                 |
| Marketing Fees  | to CBRE                               | \$11,071.50     |                 |
| Closing fee   | to American Eagle Title Group         | \$450.00        |                 |
| Abstracting   | to American Eagle Title Insurance Co. | \$550.00        |                 |
| Exam Fee  | to American Eagle Title Group         | \$1,000.00      |                 |
| Recording/Copies  | to American Eagle Title Group         | \$250.00        |                 |
| Escrowed Funds  | to American Eagle Title Group         | \$275,000.00    |                 |
| Escrowed Funds  | to American Eagle Title Group         | \$75,000.00     |                 |
| Escrowed Proceeds   | to American Eagle Title Group         | \$2,282,605.47  |                 |
|   |                                       | \$21,002,439.37 | \$21,002,439.37 |

**Funds due to Seller**

**\$0.00**

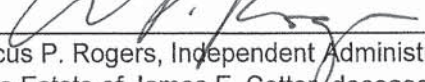
**SIGNATURES APPEAR ON THE FOLLOWING PAGE**

**SIGNATURE PAGE TO SELLER'S SETTLEMENT STATEMENT  
FILE 1805-0022-68**

Approved:

Cotter Tower - Oklahoma, L.P.,  
a Texas limited partnership

By: Cotter Ranch Tower, LLC, a  
Delaware limited liability company,  
its General Partner

By:   
\_\_\_\_\_  
Marcus P. Rogers, Independent Administrator  
of the Estate of James F. Cotter, deceased,  
sole member

American Eagle Title Group, L.L.C.

By:   
\_\_\_\_\_  
Michelle Roberts, Escrow Officer

## **SCHEDULE I**

### **Free Rent**

Fellers Snider - each December, monthly rent of \$28,069.33 is waived through 4/30/2021. Therefore, free rent occurs in 12/2018, 12/2019 and 12/2020, for a total of **\$84,207.99**.

Cudd Pumping Services, Inc. and Cudd Pressure Control, Inc. – Receives free rent through May 2019. Free rent is in the following amounts: through April 2019 in the amount of \$9,843.12 per month and May 2019 in the amount of \$9,418.12. - 8 months X \$9,843.12 and 1month X \$9,418.12 for a total of **\$88,163.08**.

**For a grand total of \$172,371.07**